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OFFICE OF PETITIONS

In re Application of
Horn, et al.
Application No. 10/815,959
Filed: April 2, 2004
Attorney Docket No. 41653-201083

DECISION GRANTING PETITION

This is a decision on the petition filed August 12, 2004, requesting that the above-identified application be accorded a filing date of April 2, 2004, with the thirteen pages of drawings as part of the original disclosure.

On April 2, 2004, the above-identified application was filed. On June 17, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because drawings were not found with the application papers, but believed to be required. The Notice also required an oath or declaration to be filed, and the payment of surcharges, the application filing fee and claim fees. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

The instant petition was filed on July 14, 2004, with a copy of the drawings, a declaration, and a copy of a postcard date-stamped April 2, 2004, whereby the Office acknowledged receiving 13 sheets of drawings.

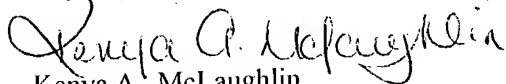
Upon review of the record, drawings were located among the original application papers; therefore, the application was entitled to a filing date of April 2, 2004.

Accordingly, the petition is granted; the language in the Notice relative to the omitted drawings is vacated, accordingly.

The declaration filed August 12, 2004, is noted and made of record. The filing fee and additional claims fees remitted are also noted. Deposit account 22-0261 will be charged \$130.00 for the late filing of the declaration and late payment of the filing fee.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 2, 2004, using the formal drawings filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions